



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/613,910	07/03/2003	Stephen Edward Terepka	TD32/01

49716  
 EDWARD P. DUTKIEWICZ, ESQ.  
 EDWARD P. DUTKEIWICZ, P.A.  
 640 DOUGLAS AVENUE  
 DUNEDIN, FL 34698-7001

05/23/2005 MWOLDGE1 00000003 10613910

01 FC:2201 100.00 OP



**CONFIRMATION NO. 7173**  
**FORMALITIES LETTER**



\*OC000000016021747\*

Date Mailed: 05/13/2005

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 2 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$100** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

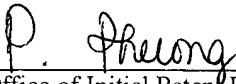
Total additional fee(s) required for this application is **\$100** for a Small Entity

- Total additional claim fee(s) for this application is **\$100**
  - **\$100** for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

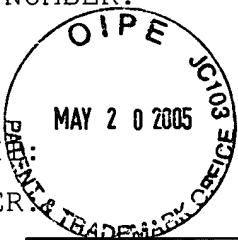
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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Office of Initial Patent Examination (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

ATTORNEY DOCKET: TD32/01  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

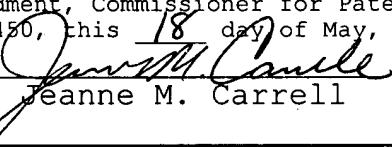
APPLICANT: STEPHEN EDWARD TEREPKA  
SERIAL NUMBER: 10/613,910  
FILED: 7/3/2003  
FOR: GARMENT INVENTORY MANAGEMENT SYSTEM  
ART UNIT: 3652  
EXAMINER: MAY 20 2005



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being placed in an envelope with sufficient postage affixed thereto and deposited as first class mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 18 day of May, 2005.

by:

  
Jeanne M. Carrell

AMENDMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Omitted Item(s) in a Nonprovisional Application dated 5/13/2005. Attached are:

- 1) Copy of Notice of Omitted Item(s)
- 2) Check in the amount of \$100;
- 3) Copy of Filing Postcard;
- 4) Amended Specification; and
- 5) Applicant's Remarks.

Reconsideration and a Notice of Allowance are respectfully requested.

If the Examiner is of the opinion that direct contact with applicant's attorney would expedite the prosecution of this case, he is hereby authorized to call the undersigned collect at 727-734-2855.

REMARKS

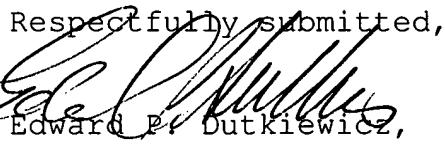
Applicant's attorney has received the filing receipt with attached Notice of Omitted Item(s) in a Nonprovisional Application. The \$100 fee deficiency is submitted herewith.

Note is taken that this application was filed by Express Mail on 07/03/2003. Thereafter, applicant's attorney received the postcard receipt (copy attached) acknowledging receipt of the application containing "24 pages". It is applicant's contention that Page 2 of the specification was, in fact, included in that filing. Note that the filing receipt was issued on 05/13/2005, almost two years after filing of the application and only after applicant's attorney sent a Request for Filing Receipt and Status Inquiry on 11/04/04.

In the interest of expediting the prosecution of this application, applicant submits herewith, in accordance with Option III enumerated in the Notice of Omitted Item(s), amendments to the specification with renumbered pages and canceling incomplete sentences caused by the alleged omitted page.

Reconsideration and a Notice of Allowance are requested.

Respectfully submitted,

  
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